



# Insurance Department

## State of Utah

GARY R. HERBERT

Governor

GREG BELL

Lieutenant Governor

TODD E. KISER

Acting Commissioner

## State of Utah Title and Escrow Commission Meeting Meeting Information

**Date:** February 11, 2013    **Time:** 9:00 AM    **Place:** East Bldg, Spruce Room

### MEMBERS

*Attendees=X*

### COMMISSION MEMBERS

xChair, Larry Turner Blake, *Washington Cnty*      xJerry M. Houghton, *Tooele Cnty*  
xCo-Chair, Kirk Donald Smith, *Weber Cnty*      Dirk Keyes, *Public Member*  
xCortlund G. Ashton, *Salt Lake Cnty*

### DEPARTMENT STAFF

xPerri Babalis, *AG Counsel*    xBrett Barratt, *Deputy Comm.*    xMark Kleinfeld, *ALJ*  
xSuzette Green-Wright, *MC Dir.*    xTammy Greening, *Examiner*    Adam Martin, *Examiner*  
xJilene Whitby, *PIO Recorder*

### PUBLIC

David Moore	? Newman	Russ Nance
Roy Poll	Branden Allen	Tige Garner
Pete Stevens	Carol Yamamoto	Blake Heiner
James Seaman	Mike Smith	Wayne Kidd
Michael Allred		

### NON APPROVED - MINUTES

#### General Session: (Open to the Public)

- **Welcome / Larry Blake, Chair 9:04am**
  - **Introduce Commissioner Todd E. Kiser** (subject to legislative calendar)  
Commissioner Kiser was unable to attend.
- **Adopt Minutes of Previous Meeting**  
Blake suggested that in item #2 on Page 2 the word "escrow" should be replaced with "title." Jerry moved to accept the minutes as amended, Kirk seconded it and the vote was unanimous.
- **Reports**
  - **Concur with Licensee Report / Tammy**  
David asked why True Concept Title, Inc. was listed under "New License" as well as under "Lapse Licenses?" Tammy said they had to reapply due to an employer id issue. Jerry made a motion to concur with the Licensee Report, Cort seconded it and the vote was unanimous.
  - **Concur with Complaint & Enforcement Reports / Suzette**  
Suzette said the blue color on the first page are new investigations. Most investigations deal with lapsed licenses. The number of lapses is going down. Cort made the motion to concur with the report, Kirk seconded it and the vote was unanimous.
  - **Request for Dual Licensee Expedited Request:** None
  - **Request for Attorney Exemption:** Douglas P. Simpson  
Mr. Simpson was not in attendance. It was noted that the department had approved the exemption. Kirk made a motion that the Commission approve the exemption, Cort seconded it and the vote was unanimous.
- **Administrative Proceedings Action / ALJ**

- **Stipulation & Order:** Provo Land Title Company  
Mark Kleinfield said the Order was the result of a license that lapsed July 31, 2012 and then was reinstated August 13, 2012, during which time 80 closings were made. The department proposed a Forfeiture of \$1,500. Kirk said the fine was consistent with those given the past few months. Jerry made a **motion** to accept the Stipulation and Kirk seconded it. The vote was unanimous.
- Request for a Hearing: None
- Order on Motion: None
- Informal Adjudicative Proceeding & Order: None
- Formal Adjudicative Proceeding: None
- **Old Business**
  - **Discuss Rule R592-17, “Minimum Mandatory Search for a Real Estate Transaction.”**  
Cort said a bill before the legislature may eliminate the need for this rule. It will change “shall” to “may.” James said the wording has been changed to “reasonable search.” Cort made a **motion** to table this rule until they see if the bill is passed. Jerry seconded the motion and the vote was unanimous.
- **New Business**
  - **Discuss R592-16, “Agency Supervision by Qualifying Licensee.”**  
James said that HB 47 provides for a qualifying licensee designation. It limits it to two but it doesn’t go beyond that. It does not discuss conduct. The rule is broader than the bill. Cort made a **motion** to table the rule until they see if the bill is passed. Kirk seconded the motion and the vote was unanimous.
  - **Review of SIRCON kna Vertafore Online Update of License Information / Jerry**  
Jerry and his wife tried to change their address through SIRCON, which has changed its name. They tried multiple times to change their address. It would not take and did not show a confirmation number. Both the department and SIRCON are pointing at the other as responsible for the problem. The department needs to get with their IT people. SIRCON says it is processing the changes when it is not. Another gentleman at the meeting said that half dozen agents had told him that they have had the same problem when changing their address. **Larry asked the department to report back next month about this issue. Brett said they would.**
- **Other Business**
  - **Legislation?**
    - Larry asked James if there was anything they could do to assist with ULTA legislation. James did not think so but encouraged them to get with Curt Webb or himself if they have input.
    - **HB 256** that makes changes that will affect Rule R592-2-7 regarding administrative hearings and imposition of penalties. Cort thought that the reason for the change was to correct a conflict in the code.
    - **HB 47**, Insurance Law Amendments, is the department’s bill. Brett said changes may be made to it.
    - **Department has a revamped website.** Suzette noted that they needed Google Chrome to see it in the proper format. It does work in Internet Explorer.
    - **Title insurance Recovery.** Perri said that as of 1-9-2013 the Title Recovery Education and Research Fund had a balance of \$448,547.73. Since then \$50,000 has been withdrawn for a claim as previously discussed.
- **Adjourn:** Cort made a **motion** to adjourn and Jerry seconded it at 9:36AM.
- **Next Meeting:** March 11, Spruce Room

**2013 Meeting Schedule in Spruce Room**

~~Jan 14~~      ~~Feb 11~~      Mar 11      Apr 8      May 13      June 10

July 8

Aug 12

Sep 9

Oct 21

Nov 18

Dec 9